

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

UNITED STATES OF AMERICA)	MATTICE/CARTER
)	
v.)	CASE NO. 1:15-CR-70
)	
JAMES CURTIS NICHOLS, JR.)	

ORDER

On November 4, 2015, Magistrate Judge Christopher H. Steger filed a Report and Recommendation recommending (a) the Court accept Defendant's plea of guilty to the lesser included offense of Count One of the Indictment, possession with intent to distribute five grams or more of methamphetamine actual, a Schedule II Controlled Substance, in violation of 21 USC §§ 841(a)(1) and (b)(1)(B), and to Count Three of the Indictment in exchange for the undertakings made by the government in the written plea agreement; (b) the Court adjudicate Defendant guilty of the charges set forth in the lesser included offense of Count One of the Indictment and in Count Three of the Indictment; (c) that a decision on whether to accept the plea agreement be deferred until sentencing; and (d) Defendant shall remain in custody pending sentencing in this matter (Doc. 17). Neither party filed an objection within the given fourteen days. After reviewing the record, the Court agrees with the magistrate judge's report and recommendation. Accordingly, the Court **ACCEPTS** and **ADOPTS** the magistrate judge's report and recommendation pursuant to 28 U.S.C. § 636(b)(1) and **ORDERS** as follows:

(1) Defendant's plea of guilty to the lesser included offense in Count One of the Indictment and to Count Three of the Indictment in exchange for the undertakings made by the government in the written plea agreement, is **ACCEPTED**;

(2) Defendant is hereby **ADJUDGED** guilty of the charges set forth in the lesser included offense in Count One of the Indictment and to Count Three of the Indictment;

(3) A decision on whether to accept the plea agreement is **DEFERRED** until sentencing;
and

(4) Defendant **SHALL REMAIN IN CUSTODY** pending sentencing on **Monday, April 4, 2016, at 9:00 am.**

SO ORDERED.

ENTER:

/s/ Harry S. Mattice, Jr.
HARRY S. MATTICE, JR.
UNITED STATES DISTRICT JUDGE